

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FIDENCIO VERDIN-GARCIA,

Defendant.

Case No. 05-20017

MEMORANDUM AND ORDER

On March 30, 2009, Fidencio Verdin-Garcia filed a motion asking this court to compel his former attorney Theodore J. Lickteig to “promptly release” his case file (Doc. 286). Upon order of the court, Mr. Lickteig filed a response to that request on April 9 (Doc. 288). On April 27, this court issued a Memorandum and Order granting in part Mr. Verdin-Garcia’s motion (Doc. 289).

On May 1, this court received a Response (Doc. 291) from Mr. Verdin-Garcia, which had been drafted after Mr. Lickteig filed his statement but before the court ruled on the motion. The original Order setting filing deadlines (Doc. 287) did not specify a time for Mr. Verdin-Garcia to file a reply, but out of an abundance of caution, this court will treat Mr. Verdin-Garcia’s filing as a motion to reconsider.

Mr. Verdin-Garcia’s latest filing in large part merely repeats his earlier requests for the various documents from his criminal case. With respect to memoranda and email

correspondence between Mr. Lickteig and the Government, however, Mr. Verdin-Garcia asserts that he is entitled to those documents pursuant to the Freedom of Information and Privacy Act. The court will not entertain arguments raised for the first time in a reply or a motion to reconsider. *Headrick v. Rockwell Int'l Corp.*, 24 F.3d 1272, 1277-78 (10th Cir. 1994) (holding that the court would not address arguments raised for the first time in the reply brief); *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir.2000) (holding that a motion to reconsider is not an appropriate vehicle to revisit issues already addressed or to advance arguments that could have been raised in prior briefing).

Mr. Verdin-Garcia has therefore identified no grounds that would cause this court to reconsider its previous ruling on his motion.

IT IS THEREFORE ORDERED BY THE COURT that Mr. Verdin-Garcia's Response (doc. 291), construed as a motion to reconsider, is denied.

IT IS SO ORDERED this 11th day of May, 2009.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge